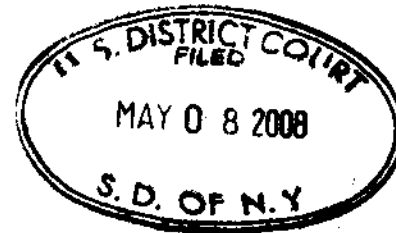


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



-----X
HERBERT CEPHAS,

Petitioner,

07 CIVIL 6048 (NRB)

-against-

JUDGMENT

ROBERT E. ERCOLE,

Respondent.
-----X

SCANNED

A petition for habeas corpus pursuant to 28 U.S.C. § 2254 having been submitted to the Honorable Naomi Reice Buchwald, United States District Judge, and the Court, on April 29, 2008, having rendered its Memorandum and Order denying the petition for a writ of habeas corpus, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum and Order dated April 29, 2008, the petition for a writ of habeas corpus is denied; the Court finds that because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue; the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Memorandum and Order dated April 29, 2008 would not be taken in good faith.

DATED: New York, New York
May 8, 2008

J. MICHAEL McMAHON

Clerk of Court

BY:



Deputy Clerk

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**